

**THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

SANDRA PARKER,

v.

J.C. PENNEY CORPORATION, INC.,

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4:07cv175

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**


Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On December 29, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the arbitrator's award finding that Plaintiff take nothing by her claims be confirmed, that the Motion to Reject Arbitrator's Award (Dkt. 46) be DENIED, that the Motion for Entry of Order of Dismissal (Dkt. 29) be GRANTED, and that this case be DISMISSED WITH PREJUDICE.

The Court, having made a *de novo* review of the objections raised by Plaintiff and Defendant's response, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and Plaintiff's objections are without merit as to the underlying recommendation. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. Because Plaintiff has not alleged facts or arguments which would satisfy her burden in proving any of the statutory grounds for vacatur, the arbitrator's award finding that

Plaintiff take nothing by her claims is confirmed. Further, the Motion to Reject Arbitrator's Award (Dkt. 46) is DENIED, the Motion for Entry of Order of Dismissal (Dkt. 29) is GRANTED, and this case is DISMISSED WITH PREJUDICE.

**IT IS SO ORDERED.**

**SIGNED this 26th day of January, 2010.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE